

KANSAS PEACE OFFICER ASSOCIATION
2010 Legislative Update January 15, 2010

NOTE: This is a list of all active bills identified by KPOA as having a potential for LE impact. KPOA does not intend to be active regarding all of these bills. Some simply do not need or deserve our attention. Others are matters we do not have a strong position on whether they become law or not. Many of these bills will die a graceful and quiet death, as they should.

Items in bold are changes or additions from the last distribution of the document.

The author is not an attorney and does not present anything in this document as legal opinion or legal advice.

LEGEND FOR THE PROPOSED ACTION: The proposed action is an indication of how the KPOA currently intends to respond to the bill. This is based on the collective feeling of the members and the Legislative Committee. It can change based on many factors including new information about the topic of the bill, amendments to the bill, or new information voice by KPOA members. The following further explains the terms I have used in this column of the document:

Watch - We will closely monitor the bill for amendments or new information about the bill.

Actively Support - We will offer testimony and otherwise actively support the bill or the portion of the bill relating to LE.

Seek Changes/Voice Concern - We will actively seek changes or voice concerns about certain provisions of the bill.

If this box is the only one checked we intend to not support or oppose the bill in principle but voice our concerns or recommendations on specific issues in the bill.

If this box is checked along with the "Actively Support" or "Actively Oppose" box we intend to support or oppose the bill in principle and also voice our concerns or recommendations on specific issues in the bill.

Actively Oppose - We will offer testimony and otherwise actively oppose the bill or the portion of the bill relating to LE.

None - We do not intend to be active in this bill at this time.

USE OF THIS DOCUMENT: Law Enforcement Organizations are authorized to use this document within their respective organizations. KPOA respectfully requests that this document not be distributed in part or with any modifications not expressly approved by the KPOA. If any part of this document is referenced appropriate credit to the KPOA should be included. We also respectfully request that only the KPOA and its members express the organization's position on any bill unless specific authorization is given to others to express that opinion.

Questions or comments about this document can be made by contacting:

The KPOA PO Box 2592, Wichita, KS 67201, Phone: (316) 722-8433; E-mail:kpoa@kpoa.org

--or--

Ed Klumpp, Phone: (785) 235-5619; E-mail:eklumpp@cox.net

Watch	Actively Support	Seek Change Voice Concern	Actively Oppose	None	Bill No.	Topic	Subtopic	Description	Comments	Action
X					SB 208	Crim Proc	Death Penalty	Rescinds the death penalty.	By Judiciary Committee	02/05/2009 S Referred to Judiciary -SJ 119 03/05/2009 S CR: Be passed as am. by Judiciary -SJ 268 03/16/2009 S COW;; CR be adpdt -SJ 335; Motion to; Rereferred to Judiciary 01/14/2010 S Hearing set for 1/19-21/2010
X					SB 346	Jails	Transfer to DOC	Proposes any offender at a local jail whose sentence is 10 days or less will serve that time at the local jail.	Proposed without compensation to the local jail for housing the state's prisoner.	1/11/2010 S Introduced 1/12/2010 S Referred to Judiciary
	X				SB 348	Drugs	New Drug	Adds Synthetic Drugs to Schedule 1		0 1/13/2010 Passed favorably from Senate Health and Public Safety Committee
					SB 351	Traffic	Texting	Prohibits text messaging while driving. This proposal makes the violation a criminal act.	Proposed by Sen. Emler By Ways and Means Mirrors HB2440	1/12/2010 S Referred to Judiciary
			X		SB 352	LE Certification	Eligibility	Would remove the commission of a felony or domestic violence prior to age 21 from the disqualification for LE officer.	By Sen. Hensley	01/12/2010 S Referred to Judiciary
X					SB 353	Criminal	Trafficking	New law pertaining to peonage and forced labor.	Introduced by Derek Schmidt	01/12/2010 S Referred to Judiciary
				X	SB 361	Traffic	Tags	Established Gold Star specialty tags.	By Rep. Kelsey	1/14/10 Assigned to House Transportation

Watch	Actively Support	Seek Change Voice Concern	Actively Oppose	None	Bill No.	Topic	Subtopic	Description	Comments	Action
X					SB 367	Traffic	MC Helmet	Amends KSA 8-1598 to include allowing a person under 18 to ride a motorcycle without a helmet.	By Committee on Judiciary Currently only the person without the helmet is in violation. This would make it possible to cite the driver for allowing it.	01/15/2010 S Referred to Transportation Committee
				X	SB 368	Traffic	DUI	Changes effective date of DUI law change passed last year in 2009 Session Laws Ch. 107, section 6 from 7/1/2010 to 7/1/2011.	Recommended by DUI Commission. By Judiciary Committee	01/15/2010 S Referred to Judiciary Committee
X					SB 375	Crim Proc	Death Penalty	Another bill to rescind the death penalty	By Judiciary Committee	1/15/2010 S Referred to S Judiciary 1/15/2010 Hearing set for 1/19-21/2010
					SB 386	Crim Proc	Discovery and Inspection	Proposes changing KSA 22-3212 and KSA 22-3433 to allow prosecutors to redact personal identification information from certain documents before release to defendant.	Might help protect officer's personal information.	1/20/2010 S Referred to Judiciary
X					SB 392	Traffic	Liab. Ins.	Proposes requiring the Dept. of Revenue and the Dept. of Insurance to come up with an on-line insurance verification system and mandating insurance companies to electronic report insurance status daily.	This has been reported as being proposed by a vendor selling a photo tag reader system tied into insurance verification. Same as HB2474	1/20/2010 S Referred to Transportation Committee.

Watch	Actively Support	Seek Change Voice Concern	Actively Oppose	None	Bill No.	Topic	Subtopic	Description	Comments	Action
					SB 399	Criminal	Agg. Endanger. A Child	Adds exposing a child to illegal drugs to the child endangerment laws and includes selling drugs in the presence of a minor, on park property, or to a pregnant female as an aggravator for sentencing.		01/21/2010 S Referred to Judiciary Committee.
	X				HB 2293	Admin Proc	Offender Registry	Mandates Sheriff's distribute registered offender information to media for broadcast	By Joe Patton Rep. Patton pulled this from the hearing schedule. We don't expect further action on it.	02/06/2009 H Referred to Judiciary -HJ 135 01/13/2010 H Hearing: Wed., 1/20/2010, 3:30 PM, Rm. 346-S 1/19/2010 Hearing Cancelled
	X				HB 2411	Drugs	New Drug	Adds Synthetic Drugs to Schedule 1	By Rep. Olson	01/11/2010 H Referred to Corrections and Juvenile Justice 1/19/2010 H Hearing
	X				HB 2412	Corrections	Release of inmates	Will allow (not require) DOC to release terminally ill inmates. Decision made by a member of the parole board. Lists criteria to be considered and requires a physician's estimation the person will die within 30 days.	by Jt Comm Corrections & Juvenile Justice Oversight	01/11/2010 H Referred to Corrections and Juvenile Justice

Watch	Actively Support	Seek Change Voice Concern	Actively Oppose	None	Bill No.	Topic	Subtopic	Description	Comments	Action
X					HB 2413	Court Proc	Fees	Increases the amount of district court fines going to DOC for alcohol and drug abuse treatment from 2.01% to 8.51%.	We need to watch this to make sure other funding in this statute is not tampered with. Such as TRCC.	01/11/2010 H Referred to Corrections and Juvenile Justice 01/13/2010 H Hearing: Wed., 1/20/2010, 1:30 PM, Rm. 144-S
	X				HB 2423	911	Fees	This is the 911 funding bill.	By House Utilities Committee VERY IMPORTANT BILL. We need to support allowing funds to be used for radios.	01/13/2010 H Referred to Energy and Utilities 01/13/2010 H Hearing: Tues., 1/19/2010, 9:15AM, Rm. 783 Docking
X					HB 2425	Labor	Work Comp	Increases ability of firefighters to obtain work comp coverage for certain diseases.	By Vision 2020 Does not include LE but we have been asked to join this if desired.	01/13/2010 H Referred to Commerce and Labor
				X	HB 2430	Crim Proc	Sentencing	Adds veterans of combat zones with post traumatic stress as a mitigating factor for the purposes of sentencing departures.	Requested by Tom Sloan By Committee on Vision 2020	01/13/2010 H Referred to Corrections and Juvenile Justice
	X				HB 2432	Criminal	Use of Force	Fixes the problems created by an appellate court decision by clarifying threatening use of force is as an acceptable response to an aggressor when actual use of force is acceptable.	By Rep. Carlson	01/13/2010 H Referred to Corrections and Juvenile Justice

Watch	Actively Support	Seek Change Voice Concern	Actively Oppose	None	Bill No.	Topic	Subtopic	Description	Comments	Action
X					HB 2435	Crim Proc		0 Adds several felonies to the list of crimes exempt from the general rule for severity level for attempts to commit a crime.	By Rep. Kinzer	1/14/10 Assigned to House Corr and Juv Justice Committee
				X	HB 2437	Traffic	Tags	Cleanup - Dealing with Kansas arts license plate.	Transportation Committee	1/14/10 Assigned to House Transportation
				X	HB 2438	Traffic	Susp DL	0 Adds a requirement for completing an approved driver training course for a person under 17 yoa to receive a restricted driver's license.		1/14/10 Assigned to House Transportation
	X				HB 2439	Traffic	Texting	Prohibits text messaging while driving. This is the proposal developed by the group we worked with during the interim.	Transportation Committee	1/14/10 Assigned to House Transportation 1/14/10 Hearing set for 1/19/10
				X	HB 2440	Crim Proc		0 Requires state DOC to notify crime victims upon certain events involving the offender.	As proposed does not involve LE	1/14/10 Assigned to House Corr and Juv Justice Committee 1/14/10 Hearing set for 1/19/10
X					HB 2441	Traffic	Texting	Prohibits text messaging while driving. This proposal makes the violation a criminal act.	Mirrors SB351	1/14/10 Assigned to House Transportation

Watch	Actively Support	Seek Change Voice Concern	Actively Oppose	None	Bill No.	Topic	Subtopic	Description	Comments	Action
X					HB 2449	Criminal	Eavesdrop ping	Amends KSA 21-4001 by adding wireless communications and adds using a peephole. Changes penalty to various felony levels from an A misdemeanor. Adds definition of "instrumentalities to include magnifying devices.	By Vision 2020 Commission	01/15/2010 H Referred to Corrections and Juvenile Justice
	X				HB 2451	Drugs	Schedule 1	Adds BZP and TFMPP to Schedule 1	Requested by KCDA By Committee on Corrections and Juvenile Justice Plans are to add these to HB2411 at the House Committee hearing then abandoning this bill.	01/15/2010 H Referred to Corrections and Juvenile Justice
					HB 2453	Drugs		0 Adds Licensed Day Care centers to schools in sale within 1000 ft. of a school provisions.	By Corrections and Juv Justice	01/15/2010 H Referred to Corrections and Juvenile Justice
	X				HB 2454	Criminal	Ballistic vests	Creates sentencing enhancement of additional 30 months if ballistic resistant material in committing, fleeing from any felony.	Requested by Rep. Peck By Committee on Corrections and Juvenile Justice	01/15/2010 H Referred to Corrections and Juvenile Justice
	X				HB 2468	Crim Proc	Offender Registry	Proposed requiring registration for attempt, conspiracy, or criminal solicitation to commit a crime currently requiring registration.		0 1/19/2010 H Referred to Correcgtions and Juvenile Justice Committee

Watch	Actively Support	Seek Change Voice Concern	Actively Oppose	None	Bill No.	Topic	Subtopic	Description	Comments	Action
				X	HB 2469	Crim Proc	Sentencing	Technical modification to statute ruling determination of criminal history levels for application of sentencing grid.		01/20/2010 H Referred to Corrections and Juvenile Justice
	X				HB 2474	Traffic	Liab. Ins.	Proposes requiring the Dept. of Revenue and the Dept. of Insurance to come up with an on-line insurance verification system and mandating insurance companies to electronic report insurance status daily.	This has been reported as being proposed by a vendor selling a photo tag reader system tied into insurance verification. Same as SB392.	1/19/2010 H Referred to ?? Committee.
X					HB 2481	Traffic	Personal Tags	Provides only one personalized tag will be issued to the owner.	Cost saving measure.	1/19/2010 H Referred to Transportation Committee.
				X	HB 2482	Traffic	Driver's License	Adds dependants of active duty military personnel to same driver's license renewal provisions for active duty military personnel.		01/21/2010 H Referred to Transportation -HJ 823 01/27/2010 H Hearing set
				X	HB 2483	Traffic	Driver's License	Removes the requirement to complete a drivers ed course before getting a restricted driver's license.		01/21/2010 H Referred to Transportation -HJ 823 01/27/2010 H Hearing Set
				X	HB 2484	Traffic	Driver's License	Appears to close a loophole in existing law for diversion agreements with commercial drivers.		01/21/2010 H Referred to Transportation -HJ 823
				X	HB 2485	Traffic	Motor Carriers			01/21/2010 H Referred to Transportation -HJ 823 01/26/2010 H Hearing Set

Watch	Actively Support	Seek Change Voice Concern	Actively Oppose	None	Bill No.	Topic	Subtopic	Description	Comments	Action
X					HB 2489	Crim Proc	Parole	Clarifies sentencing of parole condition violators cannot be less than the original sentence imposed.		01/21/2010 H Referred to Corrections and Juvenile Justice -HJ 823
				X	HB 2492	Traffic	Liab. Ins.	Requires insurance companies to include vehicle make and year on proof of insurance documents.		01/21/2010 H Referred to Insurance
					HB 2494	Juvenile	CINC	Prohibits removing a child from the parents solely because they are homeless.		01/21/2010 H Referred to Judiciary
				X	HB 2498	Traffic	Driver's License	Adds going to and from a religious service or function as acceptable use of restricted driver's license.		01/22/2010 H Referred to Transportation
X					HB 2499	Traffic	Distracted Driving	Would create the infraction of distracted driving covering engaging in any distracting activities while driving.		01/22/2010 H Referred to Transportation
X					HB 2502	Juvenile	Witness Protection	Provides for certain support activities for juvenile witnesses.		01/22/2010 H Referred to Corrections and Juvenile Justice
					HB 2504	Crim Proc	Parole	Currently any good time reduction of sentence is added to length of postrelease supervision. This bill eliminates that, effectively reducing the parole period.	This is an effort to reduce case loads on parole officers.	01/22/2010 H Referred to Corrections and Juvenile Justice

Watch	Actively Support	Seek Change Voice Concern	Actively Oppose	None	Bill No.	Topic	Subtopic	Description	Comments	Action
					HB 2505	Crim Proc	Parole	Removes the "not less than one year after date of release" clause for consideration of releasing a parolee from parole.	This is an effort to reduce case loads on parole officers.	01/22/2010 H Referred to Corrections and Juvenile Justice
				X	HB 2506	Crim Proc	Parole	Mostly technical amendments involving parole decisions and eligibility.		01/22/2010 H Referred to Corrections and Juvenile Justice
				X	HB 2507	Crim Proc	Parole	Amends postrelease condition requirements. Does not appear controversial.		01/22/2010 H Referred to Corrections and Juvenile Justice
				X	HB 2508	Crim Proc	Parole	Current law allows parole board to defer next hearing for 10 years in certain cases. This proposes lowering that to 5 years and mandates moving the hearing up for anyone currently deferred for more than 5 years.		01/22/2010 H Referred to Corrections and Juvenile Justice
				X	HB 2509	Crim Proc	Violent sexual offenders	Requires 90 day notice to AG prior to the release of a person convicted of a sexually violent crime to work release.		01/22/2010 H Referred to Corrections and Juvenile Justice
				X	HB 2510	Traffic	Tags	Proposes allowing trucks, semis, and truck tractors to operate on temporary registration for 30 days rather than the current 48 hours.		01/22/2010 H Referred to Transportation

Watch	Actively Support	Seek Change Voice Concern	Actively Oppose	None	Bill No.	Topic	Subtopic	Description	Comments	Action
					HB 2513	Juvenile	CINC	Proposes removing authority for a LEO to leave a runaway in a place of shelter if the person providing the shelter reports the runaway's location. It mandate the juvenile be taken into custody and placed in a secure facility.		01/22/2010 H Referred to Judiciary
					HB 2517	Criminal	Domestic Violence	This is the new domestic violence bill reflecting the Judicial Council's Criminal Law Advisory Committee suggested changes to last year's bill.	I recommend we support this bill. It does not add any mandates to law enforcement but it does standardize domestic violence definition statewide.	
					HB 2518	Criminal	Sentencing Proportionality	This is a new greatly reduced sentencing proportionality bill. It proposes combining the non-drug and drug sentencing grids and changing the determination of severity level of drug sales to a quantity based system.		